

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUAN VACA,

Plaintiff,

v.

William Reubart, et al.,

Defendants.

Case No.: 3:23-cv-00185-RCJ-CLB

**ORDER**

(ECF No. 1)

On May 3, 2023, pro se plaintiff Juan Vaca, an inmate in the custody of the Nevada Department of Corrections, applied to proceed *in forma pauperis*. (ECF No. 1.) Plaintiff subsequently filed a complaint under 42 U.S.C. § 1983. (ECF No. 4.) Plaintiff's application to proceed *in forma pauperis* is incomplete because **the financial certificate is not complete, and Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application.** Plaintiff included a daily transaction summary with his application, but this is not the same thing as an inmate trust fund account statement for the previous six-month period. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by July 14, 2023.**

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is

1 page 4 of the Court's approved form, that is properly signed by both the inmate and a  
 2 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**  
 3 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 4 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 5 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 6 See 28 U.S.C. § 1915(b).

7 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
 8 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
 9 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
 10 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 11 required documents.

## 12 **II. CONCLUSION**

13 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
 14 is denied without prejudice.

15 It is further ordered that Plaintiff has **until July 14, 2023**, to either pay the full \$402  
 16 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 17 required documents: (1) a completed application with the inmate's two signatures on page  
 18 3, (2) a completed financial certificate that is signed both by the inmate and the prison or  
 19 jail official, and (3) a copy of the inmate's trust fund account statement for the previous  
 20 six-month period.

21 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 22 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 23 to refile the case with the Court, under a new case number, when Plaintiff can file a  
 24 complete application to proceed *in forma pauperis* or pay the required filing fee.

25 ///

26 ///

27 ///

28 ///

1 The Clerk of the Court is directed to send Plaintiff Juan Vaca the approved form  
2 application to proceed *in forma pauperis* for an inmate and instructions for the same and  
3 retain the complaint (ECF No. 4) but not file it at this time.

4 DATED THIS 12th day of May 2023.

5  
6   
7  
8 UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28